IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WP(C).No. 1164 of 2006(L)

PETITIONER:

K. REMA,
SHEELA BHAVAN, CHALLIMUKH, KOLLAYIL P.O.,
MADATHARA, KOLLAM.

BY ADV. SRI.S.MOHANDAS

RESPONDENTS:

1. STATE OF KERALA,
REP. BY SECRETARY TO GOVT.,GENERAL EDUCATION DEPT.
GOVT. SECRETARIAT, TRIVANDRUM.

2. DEPUTY DIRECTOR OF EDUCATION,
KILLIPALAM, TRIVANDRUM.

3. KERALA P.S.C., PATTOM,
TRIVANDRUM, REP. BY ITS SECRETARY.

4. DISTRICT OFFICER,
KERALA P.S.C., PATTOM, TRIVANDRUM.

5. L.R. SHEENA,
QUARTER NO.VI/II, V.S.S.C. HOUSING COLONY,
PALLITHURA P.O., TRIVANDRUM.

BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC
GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C).No. 1164/06.

APPENDIX

PETITIONER'S EXHIBITS:

P1. COPY OF THE RANK LIST NO.145/97 DTD.5.6.97 PUBLISHED BY PSC.

P2. COPY OF THE COMMUNAL ROTATION CHARD ISSUED BY THE GOVT.

P3. COPY OF THE LETTER DTD.27.7.00 BY R4.

P4. COPY OF THE JUDGMENT DTD.25.8.04 IN W.P.C.NO.4328/02 AND CONNECTED CASES.

P5. COPY OF THE JUDGMENT IN W.A.NO.230/05.

Sdk+

///True copy///

P.A. to Judge.

S.SIRI JAGAN, J.

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W.P.(C).No.1164 of 2006

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Dated this the 18th day of September, 2007

J U D G M E N T

The petitioner is a candidate who found a place in the rank list prepared by the PSC for appointment to the post of LPSA. However, since 175 vacancies reported on 3.6.2000 and on 5.6.2000 were termed as anticipated vacancies, the PSC did not advise candidates to those vacancies from the rank list. By Ext.P4 judgment dated 25.8.2004, a learned Single Judge found that the aforesaid vacancies were actually existing during the validity of Ext.P1 list and, the PSC and the appointing authority were directed to advise and appoint appropriate candidates from the list to the aforesaid vacancies. An appeal was filed against Ext.P4 judgment resulting in Ext.P5 judgment. Although the Division Bench did not interfere with the findings of the learned Single Judge in Ext.P4 regarding the existence of the vacancies, the Division Bench directed that the 18 persons who filed seven

writ/original petitions which resulted in Ext.P4 judgment, only need be advised. The contention of the petitioner is that the ranks of these 18 persons vary from 915 to 1635 and if they are so appointed, it would affect the rights of the other candidates included in the list in between. Petitioner's specific case is that the petitioner is a Viswakarma candidate whose rank is 1142. Now the 5th respondent, whose rank is 1635, is going to be appointed to the vacancy reserved for Viswakarma, is the grievance of the petitioner. It is on the above grounds that the petitioner has filed this writ petition. Whatever be the correctness or otherwise of Ext.P5 judgment, in so far as the same is a Division Bench decision, I cannot pass any orders in favour of the petitioner since I am bound by the Division Bench decision. The remedy available to the petitioner is to seek review of Ext.P5 judgment appropriately, if the petitioner possibly can at this point of time. Therefore, without prejudice to the right of the petitioner to seek review of Ext.P5 judgment, this writ petition is dismissed.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.